Division Bench

C. S. 4100/-

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. No. 5338 /2005

PETITIONERS:

1. Jai Laxmi Prathmik Sahkari Upbhokta Bhandar Maryadit, Sarora (A cooperative registered under the provisions of Chhattisgarh Sahkari Samitiya Adhiniyam, 1960 (17 of 1961) President Bhure Khan Aged about 43 years S/o Shri Isak Khan R/o Village Sarora Block Tilda, District Raipur (C.G.)

2. Udanti Prathmik Sahkari Upbhokta Bhandar Maryadit, Mainpur Jadapadar (A cooperative registered under the provisions of Chhattisgarh Sahakari Samitiya Adhiniyam, 1960 (17 of 1961) President Pratish Mehta Aged about 28 years S/o Shri B.R. Mehta R/o Village Mainpur Jadapadar Tehsil & Block Gariyaband District Raipur (C.G.)

3. Jai Durga Prathmik Sahkari Upbhokta Bhandar Maryadit, Bade Urla (A cooperative registered under the provisions of Chhattisgarh Sahakari Samitiya Adhiniyam, 1960 (17 of 1961) President Smt. Manju Yadav Aged about 45 years W/o Shri Satruhan Lal Yadav R/o Village Bade Urla Tehsil & Block Abhanpur, District Raipur (C.G.)

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4. Jai Annpurna Prathmik Sahkari Upbhokta Bhandar Maryadit, Bendri (A cooperative registered under the

provisions of Chhattisgarh Sahakari
Samitiya Adhiniyam, 1960 (17 of 1961)
President Gaukaran Sahu
Aged about 30 years, S/o Shri Uderam Sahu
R/o Village Bendri Tehsil & Block Abhanpur
District Raipur (C.G.)

VERSUS

RESPONDENTS:

1. State of Chhattisgarh
   Through the Principal Secretary,
   Department of Food, Public Distribution &
   Consumer Protection, Mantralaya,
   Dau Kalyan Singh, Bhawan,
   Raipur (Chhattisgarh)

2. Collector,
   Raipur (Chhattisgarh)

3. Food Controller (Food Officer),
   Office of the Collectorate
   Raipur (Chhattisgarh)

4. Sub Divisional Officer
   Raipur
   District Raipur (C.G.)

5. Sub Divisional Officer
   Bilaigarh
   District Raipur (C.G.)

6. Union of India
   Through the Secretary, Ministry
   of Consumer Affairs, Food & Public
   Distribution, New Delhi

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS OF MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND DIRECTIONS:-

56

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

(DIVISION BENCH)

CORAM : HON'BLE SHRI S.R. NAYAK, CJ.
HON'BLE SHRI DILIP RAOSAHEB DESHMUKH, J.

W. P. Nos. 5110 of 2005, 5038 of 2005, 5039 of 2005, 5103 of 2005, 5104 of 2005, 5113 of 2005, 5154 of 2005, 5155 of 2005, 5156 of 2005, 5157 of 2005, 5158 of 2005, 5159 of 2005, 5160 of 2005, 5161 of 2005, 5162 of 2005, 5187 of 2005, 5188 of 2005, 5189 of 2005, 5334 of 2005, 5335 of 2005, 5336 of 2005, 5337 of 2005, 5338 of 2005, 5441 of 2005, 5489 of 2005, 5979 of 2005, 5984 of 2005, 6069 of 2005, 6076 of 2005 and 6563 of 2005.

Order for consideration

Sd/-
Chief Justice

Hon'ble Shri D.R. Deshmukh, J.

Sd/-
Dilip Raosaheb Deshmukh
Judge
20/07/2006

Post these Writ Petitions for
Pronouncement of the order : 20/07/ 2006

Sd/-
Chief Justice

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tHIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
(DIVISION BENCH)

CORAM : HON'BLE SHRI S.R. NAYAK, CJ.
HON'BLE SHRI DILIP RAOSAHEB DESHMUKH, J.

Writ Petition No. 5110 of 2005

Petitioners:

1. Vidya Prathmik Sahkari Upbhokta Bhandar Maryadit, Chachanpani (A cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961)
President Gulabdhar Mishra Aged about 43 years
S/o Shri Parasnath Mishra
R/o Village Chachanpari Block Abhanpur, District Raipur (C.G.)

2. Jai Maa Kodiyar Prathmik Sahkari Upbhokta Bhandar Maryadit, Kusmund (A cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961)
President Shivkant Aged about 38 years
S/o Shri Yagyanarayan
R/o Village Kusmund Vikaskhand Arang, District Raipur (C.G.)

3. Maa Bhawani Prathmik Sahkari Upbhokta Bhandar Maryadit, Aurethi (A cooperative registered under the provisions of Chhattisgarh Swasthya Sahkarita Adhiniyam, 1960 (17 of 1961)
President Chaturbhuj Trivedi Aged about 38 years
S/o Shri
Ramdayal Trivedi
R/o Village Aurethi Block Simga District Raipur (C.G.)

4. Maa Dhanpati Mata Prathmik Sahkari Upbhokta Bhandar Maryadit, Bhatosur (A cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961)
President Jilsjeet aged about 42

58

years
S/o Shri B.P. Choube
R/o Village Bhalesur Block Simga
District Raipur (C.G.)

5. Maa Rajeshwari Prathmik Sahkari Upbhokta Bhandar Maryadit, Suma (A cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961)
President Baleshwar aged about 28 years
S/o Shri Balkeshwar
R/o Village Suma Block Bhatapara
District Raipur (C.G.)

6. Durgesh Prathmik Sahakari Upbhokta Bhandar Maryadit, Dhodha (A cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961)
President Anil Kumar aged about 32 years
S/o Shri Kripalshankar
R/o Village Dhadha Block Simga
Post Hathbandh District Raipur (C.G.)

7. Maa Mawli Mata Prathmik Shakari Upbhokta Bhandar Maryadit, Bhotidih (A cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Nahhe Lal Pandey
Aged about 35 years, S/o. Shri Harshu Prasad
R/o. Village Bhothidih
Vikaskhand Bhatapara
District Raipur (C.G.)

8. Rudresh Prathmik Sahkari Upbhokta Bhandar Maryadit, Pendra (A cooperative registered under the provisions of Chhattisgarh Swasahayata Sahakarita Adhiniyam, 1960 (17 of 1961)
President Shailesh Dubey Aged about 30 years, S/o. Shri C.M. Dubey, R/o. Village Pendra Viskaskhand Figeshwar District

Raipur (C.G.)

9. Uma Prathmik Sahkari Upbhokta Bhandar Maryadit, Nariyara (A cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Sunil Kumar Aged about 42 years S/o. Shri Kripalshankar, R/o. Village Nariyara Block Arang District Raipur.

10. Maa Sundari Mata Prathmik Sahkari Upbhokta Bhandar Maryadit, Tekari (A cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Devishankar Aged about 58 years, S/o. Shri Bhagwatoi Prasad
R/o. Village Tekari Block Simga District Raipur (C.G.)

11. Ganpati Prathmik Sahkari Upbhokta Bhandar Maryadit, Vithiya (A cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Bade Lal Aged about 40 years, S/o. Shri R.R. Mishra
R/o. Village Vithiya Block Tilda, District Raipur (C.G.)

12. Pawan Prathmik Sahkari Upbhokta Bhandar Maryadit, Baronda (A cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Devraj Yadav
Aged about 28 years, S/o. Shri Hubnarayan Yadav
R/o. Village Baronda Block Tilda
District Raipur (C.G.)

13. Maa Randaldevi Primary Cooperative Society Maryadit Dumarbahra, Block Gariyaband, District Raipur (C.G.) Through: its President, Shri Rajkumar Tiwari, S/o. Shri Phoolchand Tiwari, aged about 38 years, R/o. Dumarbahra,

(61)

Block Gariyaband, district Raipur (C.G.)

14. Maa Mansadevi Prathmik Sahkari Upbhokta Bhandar Maryadit, Kukda cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961)
President Pramod Kumar Shukla
Aged about 30 years
S/o. Shri Ghanshyam Shukla
R/o. Village Kukda Block Palari,
District Raipur (C.G.)

15. Maa Tridevi Prathmik Sahkari Upbhokta Bhandar Maryadit, Achanakpur, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961)
President Vinay Kumar Yadav
Aged about 30 years
S/o. Shri Sitaram Yadav
R/o. Village Achanakpur, Block Balodabazar, District Raipur (C.G.)

16. Somnath Prathmik Sahkari Upbhokta Bhandar Maryadit, Gordi cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Rahul Dev Aged about 27 years, S/o. Shri Ramnarayanan, R/o. Village Gordi Block Simga, District Raipur (C.G.)

17. Jai Ganesh Prathmik Sahkari Upbhokta Bhandar Maryadit, Khapridih, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Dhananjay Dhirtlahre, Aged about 30 years, S/o. Shri Hiralal Dhrittlahre, R/o. Village Khapridih Block Tilda District Raipur (C.G.)

18. Marut Prathmik Sahkari upbhokta Bhandar Maryadit, Chichpol, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam,

1960 (17 of 1961) President Sanjay Kumar Aged about 27 years, S/o. Shri Rajkumar, R/o. Village Chichpol Block Bhatapara, District Raipur (C.G.)

19. Ek Onkar Prathmik Sahkari Upbhokta Bhandar Maryadit, Shyamnagar, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Brijesh Kumar Tripathi, Aged about 35 years, S/o. Shri Bhupendrararai Tripathi, R/o. Village Shyamnagar Block Fingeshwar, District Raipur (C.G.)

20. Ambuja Prathmik Sahkari Upbhokta Bhandar Maryadit, Budgahan, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) PresidentPravin Kumar, Aged about 26 years, S/o. Shri Narendranath, R/o. Village Budhgahan Block Simga District Raipur (C.G.)

21. Nutan Prathmik Sahkari Upbhokta Bhandar Maryadit, Tendua cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Arun Kumar Tiwari, Aged about 32 years, S/o. Shri Raghvendranath Tiwari R/o. Village Tendua Block Abhanpur, District Raipur.

22. Jai Chhattisgarh Prathmik Sahkari Upbhokta Bhandar Maryadit, Suthela cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Rajesh Kumar Aged about 32 years, S/o. Shri Ramsajeevan, R/o. Village Suthela Block Baloda Bazar, District Raipur (C.G.)

23. Aadhunik Prathmik Sahkari Upbhokta Bhandar Maryadit

(63)

Abhanpur, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Narendra Prasad Mishra Aged about 35 years, S/o. Shri Chhavinath Mishra, R/o. Village Abhanpur Block Abhanpur, District Raipur (C.G.)

24. Sharmik Prathmik Sahkari Upbhokta Bhandar Maryadit Urla, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Rakesh Mishra, Aged about 35 years, S/o. Shri vijaynarayan Mishra, R/o. Village Urla, Block Dharsiwa, District Riapur (C.G.)

25. Audyogit Mazdoor Prathmik Sahkari Upbhokta Bhandar Maryadit Tendua, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Luxman Mishra Aged about 40 years, S/o. Late Shri Ramraj Mishra, R/o. Village Tendua Block Dharsiwa, District Raipur (C.G.)

26. Maa Ashtabhuji Prathmik Sahkari Upbhokta Bhandar Maryadit Bartori, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Radheshyam Mishra Aged about 40 years
S/o Late Shri Doodhnath Mishra
R/o Village Bartori, Block Tilda, District Raipur (C.G.)

27. Maa Ratnadevi Prathmik Sahkari Upbhokta Bhandar Maryadit Mudhipali, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Nandraj Tiwari Aged about 38 years
S/o Shri Manajer Prasad Tiwari
R/o Village Mudhipali Block Chhura, District Raipur (C.G.)

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28. Jai Chhattisgarh Prathmik Sahkari Upbhokta Bhandar Maryadit Mungesar, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Triveni Prasad Pandey Aged about 48 years
S/o Shri Ramcharitra Pandey
R/o Village Mungesar Block Aarang, District Raipur (C.G.)

29. Jai Bharat Prathmik Sahkari Upbhokta Bhandar Maryadit Parsada, (Karmandi) cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Rajesh Kumar Mishra Aged about 28 years
S/o Shri Umashankar Mishra
R/o Village Parsada, (Karmandi) Block Aarang, District Raipur (C.G.)

30. Maa Pawagarh Prathmik Sahkari Upbhokta Bhandar Maryadit Binori, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Om Prakash Pandey Aged about 30 years
S/o Shri Kamla Shankar Pandey
R/o Village Binori, Block Fingeshwar,
District Raipur (C.G.)

31. Shyam Prathmik Sahkari Upbhokta Bhandar Maryadit Mudpar (Sandi), cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Dinesh Kumar Aged about 34 years
S/o Shri Ramji
R/o Village Mudpar (Sandi), Block Palari,
District Raipur (C.G.)

32. Maa Bhagwati Prathmik Sahkari Upbhokta Bhandar Maryadit Jugesar, cooperative registered under the provisions of Chhattisgarh

Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Chaturbhuj Trivedi Aged about 38 years
S/o Late Shri Ramdayal Trivedi
R/o Village Jugesar, Blcok Aarang, District Raipur (C.G.)

33. Station Ward Prathmik Sahkari Upbhokta Bhandar Maryadit Statioin Ward, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Abdul Hamid Aged about 30 years
S/o Shri Abdul Sattar
R/o Station Ward,
District Raipur (C.G.)

34. Jan Seva Audhogik Prathmik Sahkari Upbhokta Bhandar Maryadit Sariora, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Dhruvnath Tiwari Aged about 43 years
S/o Shri Ramharan Tiwari
Village Sarora, Block Dharsiwa,
District Raipur (C.G.)

35. Jan Seva Prathmik Sahkari Upbhokta Bhandar Maryadit Nayagaon, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Mohd. Rafiq Aged about 30 years
S/o Shri Mohd. Atik Village Nayagaon, Block Dharsiwa, District Raipur (C.G.)

36. Jai Durga Prathmik Sahkari Upbhokta Bhandar Maryadit Shaheed Rajiv Pandey Ward 40/1, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Gautam Sharma Aged about 26 years
S/o Late Shri Bansilal Sharma
Village Tandwa, Block Tilda, District Raipur (C.G.)

37. Jai Chhattisgarh Prathmik Sahkari Upbhokta Bhandar Maryadit Shaheed Rajiv Pandey Ward 40/1, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Sahed Khan Aged about 35 years
S/o Shri Aalam Khan Block Dharsiwa, District Raipur (C.G.)

38. Bhoram Deo Prathmik Sahkari Upbhokta Bhandar Maryadit Mujghan, (Doma) cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Sushil Kumar Parihar Aged about 38 years
S/o Late Shri Babu Lal Parihar Village Mujgahan, (Doma) Block Dharsiwa, District Raipur (C.G.)

39. Aadarsh Gramin Prathmik Sahkari Upbhokta Bhandar Maryadit Ladbhandi, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Rajendra Prasad Mishra Aged about 37 years
S/o Shri Chhabinath Mishra
Village Labhandi, Block Dharsiwa, District Raipur (C.G.)

40. Narsingh Nath Prathmik Sahkari Upbhokta Bhandar Maryadit Ranisagar, cooperative registered under the provisions of Chhattisgarh Swasahayata Sahkarita Adhiniyam, 1960 (17 of 1961) President Manju Devi Mishra Aged about 32 years w/o Shri Rajendra Prasad Mishra Village Ranisagar, Block Aarang, District Raipur (C.G.)

Versus

Respondents

1. State of Chhattisgarh
Through the Secretary, Department of Food, Public Distribution & Consumer Protection, Mantralaya, Dau Kalyan Singh, Bhawan, Raipur

(67)

(Chhattisgarh)

2. Collector,
Raipur (Chhattisgarh)

3. Food Controller (Food Officer),
Office of the Collectorate
Raipur (Chhattisgarh)

4. Sub Divisional Officer
Gariyaband
District Raipur (C.G.)

5. Sub Divisional Officer
Raipur, District Raipur (C.G.)

6. Sub Divisional Officer (Revenue)
Baloda Bazar
District Raipur (C.G.)

7. Union of India
Through the Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi.

Writ Petition No.5038 of 2005

Petitioners

1. Jai Maa Bamleshwari Prathmic Swaytta Sahkari Upbhokta Bhandar, Maryadit, Tarrighat, Block-Patan, District Durg (C.G.), Through it's President Ishwar Bharti, S/o Ganesh, aged about 35 years, R/o. Tarrighat, Tahsil Patan, District Durg (C.G.)

2. J.V.D. Swayatta Sahkarita Prathmic, Upbhokta Bnahdar Maryadit Nardhi, Block Patan, District Durg (C.G.) Through : It's President : Khoman Banchor, S/o Puranik Banchor, aged about 28 years, R/o. Nardhi, Tahsil Patan, District Durg (C.G.)

3. Kalyankari Mahila Swa Sahayata Samuh, Raipur, Through Its president Smt. Nishant, W/o Prashant, aged about 35 years, R/o House No. 14, Nehru Nagar Raipur, Tahsil and District Raipur (C.G.)

Versus

Respondents

1. State of Chhattisgarh Through Secretary Department of Food Public Distribution and Consumer Protection Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. Sub-Divisional Officer (R) Patan, Head Office-Durg (C.G.)

3. District Management, Nagrik Apurti Nigam, Raipur (C.G.)

Writ Petition No.5039 of 2005

Petitioners

1. Jai Kisan Prathmik Sahkari Upbhokta Bhandar, Maryadit, Chakwe, Post & Sub-Division Arang, District Raipur (C.G.) Through It's President Manharan, S/o Sitaram, aged about 40 years, R/o Chakwe, Post Arang, District Raipur (C.G.)

2. Jai Bhole Prathmic Sahkarita, Upbhokta Bhandar Maryadit Chhatoana, Post and Sub-Division Arang, District Raipur (C.G.) Through : It's President : Anil Kumar, S/o Ramta Singh, aged about 25 years, R/o Chhatoana, Post Arang, District Raipur (C.G.)

3. Jai Bajrang Audyogic Prathmic Sahkarita Upbhokta Bhandar Maryadit Chandinidih, Raipur, district Raipur (C.G.) Through: It's President : Lalit Verma, S/o Ratiram Verma, aged about 22 years, R/o Chandinidih Raipur, District Raipur (C.G.)

4. Shivaji Prathmic Sahkarita, Upbhokta Bhandar Maryadit Mohtara, Sub-Division Bilaigarh, District Raipur (C.G.) Through : It's President : Anil Kumar Dhruw, S/o. Ramlal Dhruw, aged about 32 years, R/o Vill. Mohtara, Sub-Division Bilaigarh, District Raipur (C.G.)

5. Ohm Namah Shivay Prathmic Sahkarita Upbhokta Bhandar Maryadit Chadan, Sub-Division Kasdol, District Raipur (C.G.) Through : It's President : Anil Yadav, S/o. Shankar Yadav, aged about 35 years, R/o Chadan, Sub-Division Kasdol, District Raipur (C.G.)

6. Audyogic Vikas Majdoor Prathmic Sahkarita Upbhokta Bhandar Maryadit Mandhar, District Raipur (C.G.) Through : It's President : Santosh Uike, S/o Chetram Uike, aged about 30 years, R/o Mandhar, Post and Tahsil Dharseeva, District Raipur (C.G.)

7. Shri Ohm Sai Prathmic Sahkarita Upbhokta Bhandar Maryadit Majitha, Sub-Division Palari-Arang, Dist. Raipur (C.G.) Through : It's President : Lok Ram Nishad, S/o Dhannuram Nishad, aged about 41 years, R/o Majitha, Sub-Division Palari-Arang, District Raipur (C.G.)

Versus

Respondents

1. State of Chhattisgarh
Through Secretary Department of Food Public Distribution and Consumer Protection Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. Assistant Food Officer
Raipur Gramin
District Raipur (C.G.)

3. Assistant Food Officer
Raipur, Dist. Raipur (C.G.)

4. Assistant Food Officer
Bhatapara, District Raipur (C.G.)

5. Assistant Food Officer
Kasdol, District Raipur (C.G.)

6. Assistant Food Officer
Bilaigarh, District Raipur (C.G.)

Writ Petition No.5103 of 2005

Petitioners

1. Jai Maa Bamleshwari Prathmic Swaytta Sahkari Upbhokta Bhandar, Maryadit, Tarrighat, Block-Patan, District Durg (C.G.), Through it's President Ishwar Bharti, S/o Ganesh, aged about 35 years, R/o. Tarrighat, Tahsil Patan, District Durg (C.G.)

2. J.V.D. Swayatta Sahkarita Prathmic, Upbhokta Bnahdar Maryadit Nardhi, Block Patan, District Durg (C.G.) Through : It's President : Khoman Banchor, S/o Puranik Banchor, aged about 28 years, R/o. Nardhi, Tahsil Patan, District Durg (C.G.)

Versus

Respondents

1. State of Chhattisgarh Through Secretary Department of Food Public Distribution and Consumer Protection Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. Assistant Food Officer Sub-Divisional Patan, Head Office-Durg (C.G.)

Writ Petition No.5104 of 2005

Petitioners

1. Vikas Prathmik Sahakari Upbhokta Bhandar, Maryadit, Kharora-Keshla, Post & Sub-Division Kharora-Keshla, District Raipur (C.G.) Through It's President Gaukaran Verma, S/o. Kishunram Verma, aged about 45 years, R/o. Vill. Kharora, Post and Sub-Division Kharora-Keshla, District Raipur (C.G.) and running fair price shops at Gram Panchayat Motimpurkala Sub-Division Tilda, Gram Panchayat Janjgir, Gram Panchayat-Harod, Gram Panchayat Chhapora, Gram Panchayat-Kurra in District Raipur.

2. Maa Shabari Prathmic Sahkarita, Upbhokta Bhandar Maryadit

(71)

Govindvan, Post and Sub-division Bilaigarh, District Raipur (C.G.) Through : It's President : Ram Prasad Sahu, S/o. Dharam Singh Sahu, aged about 53 years, R/o. Vill. Govindvan,, Sub-division Bilaigarh, District Raipur (C.G.) and running fair price shop at Gram Panchayat Banahil (Pachari), Gram Panchayat Dumhani, Gram Panchayat-Pandripani, Gram Panchayat–Kariyatar, Gram Panchayat-Bisanpur, Gram Panchayat – Kharari, Gram Panchayat – Deverbod, in District Raipur.

3. Chhattisgarh Prathmic Sahkarita Upbhokta Bhandar Maryadit Kashdol, District Raipur (C.G.) Through: It's President : Mangaluram Yadav, S/o. Gopal Yadav, aged about 40 years, R/o. Vill. Kashdol, District Raipur (C.G.) and running fair price shop at Gram Panchayat Putpura, Gram Panchayat – Baijnath, Gram Panchayat – Kot (Rampur), Gram Panchayat – Saber, Gram Panchayat - Bilari (K), Gram Panchayat – Bamhani, Gram Panchayat Sinodha, Gram Panchayat Charoda, Gram Panchayat – Temari, Gram Panchayat – Bagar, Gram Panchayat – Darra, Gram Panchayat –Navrangpur, Gram Panchayat – Kanjiya, Gram Panchayat –Madawa, Gram Panchayat – Koatal, Gram Panchayat – Chharchhed, Gram Panchayat – Bareli, Gram Panchayat – Khari.

4. Vartika Prathmic Sahkarita Upbhokta Bhandar Maryadit Raipur, District Raipur (C.G.) Through: It's President: Smt. Arshi Gegum, W/o Mohd. Rafiq, aged about 35 years, R/o. Ward No. 33-Gurughasidas Ward, District Raipur (C.G.) and running fair price shops at Ward No. 33 Gurughasidas ward shop No. 33/2 and shop No. 31/2 situated at

ward No. 31.

5. Maa Chandrahasini Prathmic Sahkarita Upbhokta Bhandar Maryadit Mundra, sub-division Abhanpur, District Raipur (C.G.) Through: It's President : Parag Das s/o Mohar Das, aged about 42 years, r/o Abhanpur, Distt. Raipur (C.G.), running fair price shops at Gram Panchayats Saraipani, Burjabahal, Khokhma, Kaseker, Kherjhiti, Madeli, Nawapara, Atarmara, Kutena, Kharkhara, Bharuamuda all in District Raipur (C.G.).

6. MiniMata Prathmic Sahkarita Uphbhokta Handar Maryadit Arang, Distt. Raipur (C.G.) Through: It's President: Veer Singh, S/o. Dheer Singh, aged about 42 years, R/o. Aarang, District Raipur (C.G.), Running fair price shops at Gram Panchayats Pirda, Majitha, Kurud (Bhaisa), Bhaismudi.

7. Jagrook Prathmic Sahkarita Upbhokta Bhandar Maryadit Urla, Sub-Division Dharseeva, Distt. Raipur (C.G.) Through: It's President: Kumar Shukla, S/o, Gautam Shukla, aged about 48 years, R/o. village Urla, Sub-Division Dharseeva, District Raipur (C.G.), Running fair price shops at Gram Panchayats Accholi, Gogaon, Sandongari.

Versus

Respondents

1. State of Chhattisgarh Through Secretary Department of Food Public Distribution and Consumer Protection Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. Food Controller Raipur District Raipur (C.G.)

3. Assistant Food Officer Bhatapara, District Raipur (C.G.)

4. Assistant Food Officer
Bilaigarh/Kashdol, Distt. Raipur
(C.G.)

5. Assistant Food Officer Raipur
Gramin, District Raipur (C.G.)

6. Assistant Food Officer Raipur,
District Raipur (C.G.)

7. Sub-Divisional Officer (R)
Gariyaband, Dist. Raipur (C.G.)

Writ Petition No.5113 of 2005

Petitioner : Chetan Das S/o Shri Sukh Ram Yadav, aged about 30 years, resident of Village Mova Pandri, Raipur, Police Station Pandari District Raipur (C.G.), President of Uttam Prathmik Upbhokta Sahakari Bhandar, Mova, Raipur (C.G.)

Versus

Respondents

1. The State of Chhattisgarh, through the Secretary, Department of Food Public Distribution, Mantralaya, D.K.S. Building, Raipur (C.G.)

2. The Collector, (Food) Raipur Tahsil and District Raipur (C.G.)

3. The Sub-Divisional Officer (Revenue), Raipur Tahsil and District Raipur (C.G.)

4. Food Controller (Food Officer), Office of the Collector, Raipur, Tahsil and District Raipur (C.G.)

Writ Petition No. 5154 of 2005

Petitioner : Shri Jai Jagdish Prathmik Sahkari Upbhokta Bhandar Maryadit, Office At – Gram Kutera, Block Aarang, District Raipur (C.G.) Through its President Shri Santosh Yadav S/o Jaipal Yadav aged about 32 years R/o Gram Kutera, Block Aarang,

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District Raipur (C.G.), having allotment of the following fair price shop of block Aarang in District Raipur at Gram Panchayat:

A) Kutera
B) Sivni
C) Parsada
D) Navagaon
E) Tandul

Versus

Respondents

1. State of Chhattisgarh, Through the Secretary, Department of Food, Public Distribution and Consumer Protection, Mantralaya, D.K.S. Bhawan, Raipur
2. Collector, Raipur (C.G.)
3. Food Controller, Collectorate, Raipur (C.G.)
4. Sub Divisional Officer, Raipur, District – Raipur (C.G.)
5. Union of India, through Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi.

Writ Petition No.5155 OF 2005

Petitioner

Shri Jagannath Prathmik Sahkari Upbhokta Bhandar Maryadit, Office at Santoshi Nagar, Raipur, District Raipur (C.G.)
Through its President Shri Anand Kumar Navrange S/o Rajulal Aged about 34 years R/o Santhshi Nagar, Raipur, Dist. Raipur (C.G.), Having allotment of the following Fair Price Shop in Raipur town in District Raipur at:

A) Santhoshi Nagar Ward, Raipur and in Block Abhanpur in District Raipur at Gram Panchayat:
B) Kandul
C) Bhothidih
D) Uparwara
E) Raveli

F) Chandi
G) Ghusera
H) Belar

Vs.

Respondents

1. State of Chhattisgarh,
Through the Secretary,
Department of Food, Public Distribution
& Consumer Protection, Mantralaya,
D.K.S. Bhawan, Raipur

2. Collector, Raipur (C.G.)

3. Food Controller Officer, Raipur,
District Raipur (C.G.)

4. Sub Divisional Officer, Raipur
District – Raipur (C.G.)

5. Union of India
Through Secretary, Ministry of Consumer
Affairs, Food & Public Distribution, New
Delhi

Writ Petition No.5156 OF 2005

Petitioner

Shri Tirupati Balaji Prathmik Sahkari Upbhokta Bhandar Maryadit, Office at – Bhatagaon, Block Dharsiwa, District Raipur (C.G.)
Through its President Shri Jhabbulal Sahu S/o Parshuram Sahu, Aged about 60 years R/o Bhatagaon, Block Dharsiwa, Dist. Raipur (C.G.), Having allotment of the following Fair Price Shop of Block Dharsiwa in Raipur District at Gram Panchayat at:

A) Bhatagaon
B) Mathpurena
C) Changorbhata
D) Boriakala
E) Duda
F) Kathadhi

Vs.

Respondents

1. State of Chhattisgarh,
Through the Secretary,
Department of Food, Public Distribution
& Consumer Protection, Mantralaya,
D.K.S. Bhawan, Raipur

2. Collector, Raipur (C.G.)

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3. Food Controller Collectorate, Raipur, (C.G.)

4. Sub Divisional Officer, Raipur District – Raipur (C.G.)

5. Union of India Through Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi

Writ Petition No.5157 OF 2005

Petitioner

Shri Ramdevji Audhyogik Prathmik Sahkari Upbhokta Bhandar Maryadit, Office at Mandir Hasaud, Block Aarang, District Raipur (C.G.)
Through its President Shri Parshuram S/o Nataran Vabdge Aged about 39 years R/o Gram Mandir Hasaud, Block Aarang, Dist. Raipur (C.G.), Having allotment of the following Fair Price Shop of Block Aarang in District Raipur at Gram Panchayat:

A) Dhansuli
B) Gujra
C) Dhamni
D) Kukra
E) Sandi

Vs.

Respondents

1. State of Chhattisgarh, Through the Secretary, Department of Food, Public Distribution & Consumer Protection, Mantralaya, D.K.S. Bhawan, Raipur

2. Collector, Raipur (C.G.)

3. Food Controller Collectorate, Raipur (C.G.)

4. Sub Divisional Officer, Raipur District – Raipur (C.G.)

5. Union of India Through Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi

Writ Petition No.5158 OF 2005

Petitioner : Agrasen Prathmik Sahkari Upbhokta Bhandar Maryadit, Office at Tilda, Raipur, District Raipur (C.G.)
Through its President Shri Jairam Verma S/o Kejuram Verma Aged about 32 years R/o G.P. Tore, Block Dharsiwa, Raipur, Dist. Raipur (C.G.), Having allotment of the following Fair Price Shop in Tilda town in District Raipur at:
A) Ward No. 7, Tilda
B) Ward No. 8, Tilda

Vs.

Respondents

1. State of Chhattisgarh,
Through the Secretary,
Department of Food, Public Distribution & Consumer Protection, Mantralaya,
D.K.S. Bhawan, Raipur

2. Collector, Raipur (C.G.)

3. Food Controller, Collectorate, Raipur, District Raipur (C.G.)

4. Sub Divisional Officer, Raipur
District – Raipur (C.G.)

5. Sub-Divisional Officer (Revenue)
Raipur, District Raipur (CG)

6. Union of India
Through Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi

Writ Petition No.5159 OF 2005

Petitioner Maa Karma Prathmik Sahkari Upbhokta Bhandar Maryadit, Office at Lalpur, Raipur, District Raipur (C.G.)
Through its President Shri Bharat Sahu S/o Jhadhi Sahu Aged about 38 years R/o Lalpur, Raipur, Dist. Raipur (C.G.), Having allotment of the following Fair Price Shop in Tilda town in District Raipur at:
A) Ward No. 4, Tilda
B) Ward No. 5, Tilda

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And in Block Dharsiwa in District Raipur at Gram Panchayat:

C) Manohara
D) Bana

Vs.

Respondents

1. State of Chhattisgarh, Through the Secretary, Department of Food, Public Distribution & Consumer Protection, Mantralaya, D.K.S. Bhawan, Raipur
2. Collector, Raipur (C.G.)
3. Food Controller, Collectorate, Raipur, (C.G.)
4. Sub Divisional Officer, Raipur District – Raipur (C.G.)
5. Sub-Divisional Officer (Revenue) Raipur, District Raipur (CG)
6. Union of India Through Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi

Writ Petition No.5160 OF 2005

Petitioner

Har Har Mahadev Prathmik Sahkari Upbhokta Bhandar Maryadit, Office at G.P. Raipura, Raipur, District Raipur (C.G.)
Through its President Mohd. Aslam S/o Razzaka, Aged about 35 years R/o G.P. Raipura, Block Dharsiwa, Raipur , Dist. Raipur (C.G.), Having allotment of the following Fair Price Shop in District Raipur at:

A) Gram Panchayat Raipura
B) Gram Panchayat Malod
C) Gram Panchayat Raita
D) Gram Panchayat Pandarbhata

And in Tilda town in District Raipur at:

E) Ward No. 1
F) Ward No. 3

Vs.

Respondents

1. State of Chhattisgarh, Through the Secretary, Department of Food, Public Distribution

& Consumer Protection, Mantralaya, D.K.S. Bhawan, Raipur

2. Collector, Raipur (C.G.)

3. Food Controller, Collectorate, Raipur, (C.G.)

4. Sub Divisional Officer, Raipur District – Raipur (C.G.)

5. Sub-Divisional Officer (Revenue) Raipur, District Raipur (CG)

6. Union of India Through Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi

Writ Petition No.5161 OF 2005

Petitioner : Ambedkar Prathmik Sahkari Upbhokta Bhandar Maryadit, Office at Godhi, Block Darsiwa, District Raipur (C.G.) Through its President Shri Bhagchand S/o Jethu Ram , Aged about 30 years R/o Godhi, Block Dharsiwa, Raipur , Dist. Raipur (C.G.), Having allotment of the following Fair Price Shop in Tilda town in District Raipur at:

A) Ward No. 11, Tilda town
B) Ward No. 12, Tilda town
C) Ward No. 15, Tilda town

Vs.

Respondents

1. State of Chhattisgarh, Through the Secretary, Department of Food, Public Distribution & Consumer Protection, Mantralaya, D.K.S. Bhawan, Raipur

2. Collector, Raipur (C.G.)

3. Food Controller, Collectorate, Raipur, (C.G.)

4. Sub Divisional Officer, Raipur District – Raipur (C.G.)

5. Sub-Divisional Officer (Revenue) Raipur, District Raipur (CG)

6. Union of India
Through Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi

Writ Petition No.5162 OF 2005

Petitioner

Mini Mata Prathmik Sahkari Upbhokta Bhandar Maryadit, Office at G.P. Semaria, Block Aarang, Raipur, District Raipur (C.G.)
Through its President Shri Veer Singh S/o Tuka Ram , Aged about 31 years R/o G.P. Semaria, Block Aarang, Raipur , Dist. Raipur (C.G.), Having allotment of the following Fair Price Shop in Block Aarang in District Raipur at Gram Panchayat:

A) Pirda
B) Majitha
C) Kurud (Bhaisa)
D) Bhaismudi

Vs.

Respondents

1. State of Chhattisgarh,
Through the Secretary,
Department of Food, Public Distribution & Consumer Protection, Mantralaya, D.K.S. Bhawan, Raipur

2. Collector, Raipur (C.G.)

3. Food Controller, Collectorate, Raipur, (C.G.)

4. Sub Divisional Officer, Raipur District – Raipur (C.G.)

5. Sub-Divisional Officer (Revenue) Raipur, District Raipur (CG)

6. Union of India
Through Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi

Writ Petition No.5187 OF 2005

Petitioner

Panchmukhi Prathmik Sahkari Upbhokta Bhandar Maryadit, Office at Fingeshwar, District Raipur (C.G.)

Through its President Shri Ashok Kumar S/o Ramesh Kumar, Aged about 28 years R/o Fingeshwar, Block Fingeshwar, Dist. Raipur (C.G.), Having allotment of the following Fair Price Shop of Block Gariabandh in Raipur District at Gram Panchayat :

A) Ghatod
B) Kosambuda
C) Jungledhawalpur
D) Chidaula
E) Duda

And in Block Mainpur in Raipur District at Gram Panchayat

F) Bajadi
G) Golmaal
H) Dumaghat
I) Chaildongri
J) Chalnapadar
K) Bhainsmudi
L) Sargiguda
M) Deharguda
N) Ghumrabadar
O) Sarnabaahal
P) Kodobhat

Vs.

Respondents

1. State of Chhattisgarh, Through the Secretary, Department of Food, Public Distribution & Consumer Protection, Mantralaya, D.K.S. Bhawan, Raipur
2. Collector, Raipur (C.G.)
3. Food Controller, Collectorate, Raipur, (C.G.)
4. Sub Divisional Officer, Raipur District – Raipur (C.G.)
5. Sub-Divisional Officer (Revenue) Raipur, District Raipur (CG)
6. Union of India Through Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi

Writ Petition No.5188 OF 2005

Petitioner

JAI Veer Hanuman Prathmik Sahkari Upbhokta Bhandar Maryadit, Office at – G.P

Dondekala, Block Dharsiwa, District Raipur (C.G.) through its President Shri Lokuram S/o Pyarelal, aged about 45 years R/o Dondekala, Block Dharsiwa, District Raipur (C.G.) having allotment of the following fair price shop of Block Dharsiwa in Raipur District at Gram Panchayat:

A) Chapora
B) Akoli

And in block aarang in Raipur District at Gram Panchayat –

C) Semaria

Vs.

Respondents

1. State of Chhattisgarh, Through the Secretary, Department of Food, Public Distribution & Consumer Protection, Mantralaya, D.K.S. Bhawan, Raipur
2. Collector, Raipur (C.G.)
3. Food Controller, Collectorate, Raipur, (C.G.)
4. Sub Divisional Officer, Raipur District – Raipur (C.G.)
5. Sub Divisional Officer (Revenue) Raipur, District Raipur (CG)
6. Union of India Through Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi

Writ Petition No.5189 of 2005

Petitioner : Mangalam Prathmik Sahkari Upbhokta Bhandar Maryadit, Officer at Simga-, Block Bhatapara, District Raipur (C.G.) Through its President Shri Agasti Soni S/o Nand Kishore Soni, Aged about 35 years R/o Simga, Block Bhatapara, District Raipur (C.G.),
Having allotment of the following fair

price shop of block Bhatapara in Raipur District at Gram Panchayat:
A) Bishrampur
B) Duldula
C) Khanduwa

Versus

Respondents

1. State of Chhattisgarh, Through the Secretary, Department of Food, Public Distribution & Consumer Protection, Mantralaya, D.K.S. Bhawan, Raipur
2. Collector, Raipur (C.G.)
3. Food Controller, Collectorate, Raipur (C.G.)
4. Sub Divisional Officer, Raipur, District – Raipur (C.G.)
5. Union of India, through Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi.

Writ Petition No.5334 of 2005

Petitioner : Jai Maa Bamleshwari Prathmik Sahkari Upbhokta Bhandar Maryadit, Office at – Ravabhata, Bhanpuri, District Raipur (C.G.) through its President Shri Bhagwan Das Agrawal S/o Late G. L. Agrawal, aged about 43 years R/o Bhanpuri, Block Dharsiwa, District Raipur (C.G.), having allotment of the following fair price shop of Block Dharsiwa in Raipur District at Gram Panchayat:
A) Ravabhata
B) Kara
C) Sondhra
D) Bendri
E) Bahesar

Versus

Respondents

1. State of Chhattisgarh, Through the Secretary, Department of Food, Public Distribution & Consumer Protection, Mantralaya, D.K.S. Bhawan, Raipur

2. Collector, Raipur (C.G.)

3. Food Controller, Collectorate, Raipur (C.G.)

4. Sub Divisional Officer, Raipur, District – Raipur (C.G.)

5. Sub Divisional Officer, (Revenue), Raipur, District – Raipur (C.G.)

6. Union of India, through Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi.

Writ Petition No. 5335 of 2005

Petitioner : Jai Bharat Mata Prathmik Sahkari Upbhokta Bhandar Maryadit, Office at – G.P., Raipura, Raipur, District Raipur (C.G.)
Through its President Shri Arun Singh S/o Kapil Singh, aged about 48 years R/o G.P. Heerapur, Block Dharsiwa, Raipur, Dist. Raipur (C.G.), having allotment of the following fair price shop in Block Dharsiwa in District Raipur at Gram Panchayat:
A) Heerapur
B) Bana

Versus

Respondents

1. State of Chhattisgarh, Through the Secretary, Department of Food, Public Distribution & Consumer Protection, Mantralaya, D.K.S. Bhawan, Raipur

2. Collector, Raipur (C.G.)

3. Food Controller, Collectorate, Raipur (C.G.)

4. Sub Divisional Officer, Raipur, District – Raipur (C.G.)

5. Sub Divisional Officer, (Revenue), Raipur, District – Raipur (C.G.)

6. Union of India, through Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi.

Writ Petition No. 5336 of 2005

Petitioner : Maa Kamakhiya Prathmik Sahkari Upbhokta Bhandar Maryadit, Office at – G.P. Sirri, Block Tilda, District Raipur (C.G.)
Through its President Shri Sitaram Kannoje S/o Phukelram Kannoje, aged about 35 years R/o G.P. Sirri, Block Tilda, District Raipur (C.G.), having allotment of the following fair price shop of Block Tilda in Raipur District at Gram Panchayat:
A) Sirri
B) Padhabhat
C) Ilda
D) Ghivra

Versus

Respondents

1. State of Chhattisgarh, Through the Secretary, Department of Food, Public Distribution & Consumer Protection, Mantralaya, D.K.S. Bhawan, Raipur
2. Collector, Raipur (C.G.)
3. Food Controller, Collectorate, Raipur (C.G.)
4. Sub Divisional Officer, Raipur, District – Raipur (C.G.)
5. Sub Divisional Officer, (Revenue), Raipur, District – Raipur (C.G.)
6. Union of India, through Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi.

Writ Petition No. 5337 of 2005

Petitioners:

1. Jai Laxmi Prathmik Sahkari Upbhokta Bhandar Maryadit, Dighari ((A cooperative registered under the provisions of

Chhattisgarh Sahkari Samitiya Adhiniyam, 1960 (17 of 1961)
President Sakeshwar Sahu
Aged about 30 years
S/o Late Shri Devalal Sahu
R/o Village Dighari Blcok
Arang, District Raipur (C.G.)

2. Shri Bajrang Prathmik Sahkari Upbhokta Bhandar Maryadit, Soniyadih (A cooperative registered under the provisions of Chhattisgarh Sahkari Samitiya Adhiniyam, 1960 (17 of 1961)
President Milapram Karsh
Aged about 35 years
S/o Shri Nankiram Karsh
R/o Village Soniyadih
Vikaskhand Bilaigarh,
District Raipur (C.G.)

3. Maa Anpurna Prathmik Sahkari Upbhokta Bhandar Maryadit, Soniyadih ((A cooperative registered under the provisions of Chhattisgarh Sahkari Samitiya Adhiniyam, 1960 (17 of 1961)
President Maheshwar Das Vaishnav
Aged about 40 years
S/o Shri L:akheshwar Das Vaishnav
R/o Village Khaparidih
Vikaskhand Kasdol,
District Raipur (C.G.)

Versus

Respondents

1. State of Chhattisgarh,
Through the Principal Secretary,
Department of Food, Public Distribution & Consumer Protection,
Mantralaya, Dau Kalyan Singh,
Bhawan, Raipur (Chhattisgarh)

2. Collector, Raipur (Chhattisgarh)

3. Food Controller (Food Officer),
Office of the Collectorate Raipur
(Chhattisgarh)

4. Sub Divisional Officer, Raipur,
District Raipur (C.G.)

5. Sub Divisional Officer, Bilaigarh, District – Raipur (C.G.)

6. Union of India, Through the Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi.

Writ Petition No. 5338 of 2005

Petitioners:

1. Jai Laxmi Prathmik Sahkari Upbhokta Bhandar Maryadit, Sarora (A cooperative registered under the provisions of Chhattisgarh Sahkari Samitiya Adhiniyam, 1960 (17 of 1961) President Bhure Khan Aged about 43 years
S/o Shri Isak Khan
R/o Village Sarora Block Tilda, District Raipur (C.G.)

2. Udanti Prathmik Sahkari Upbhokta Bhandar Maryadit, Mainpur Jadapadar (A cooperative registered under the provisions of Chhattisgarh Sahakari Samitiya Adhiniyam, 1960 (17 of 1961) President Pratish Mehta
Aged about 28 years
S/o Shri B.R. Mehta
R/o Village Mainpur Jadapadar Tehsil & Block Gariyaband
District Raipur (C.G.)

3. Jai Durga Prathmik Sahkari Upbhokta Bhandar Maryadit, Bade Urla (A cooperative registered under the provisions of Chhattisgarh Sahakari Samitiya Adhiniyam, 1960 (17 of 1961) President Smt. Manju Yadav
Aged about 45 years
W/o Shri Satruhan Lal Yadav
R/o Village Bade Urla Tehsil & Block Abhanpur,
District Raipur (C.G.)

4. Jai Annpurna Prathmik Sahkari Upbhokta Bhandar Maryadit, Bendri (A cooperative registered

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under the provisions of Chhattisgarh Sahakari Samitiya Adhiniyam, 1960 (17 of 1961)
President Gaukaran Sahu
Aged about 30 years,
S/o Shri Uderam Sahu
R/o Village Bendri Tehsil & Block Abhanpur District Raipur (C.G.)

Versus

Respondents

1. State of Chhattisgarh, Through the Principal Secretary, Department of Food, Public Distribution & Consumer Protection, Mantralaya, Dau Kalyan Singh, Bhawan, Raipur (Chhattisgarh)
2. Collector, Raipur (Chhattisgarh)
3. Food Controller (Food Officer), Office of the Collectorate Raipur (Chhattisgarh)
4. Sub Divisional Officer, Raipur, District Raipur (C.G.)
5. Sub Divisional Officer, Bilaigarh, District – Raipur (C.G.)
6. Union of India, Through the Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi.

Writ Petition No. 5441 of 2005

Petitioners:

1. Jai Bhawani Swayatt Sahakari Prathmik Upbhokta Bhandar Maryadit, Borai, Block-Durg, Distt. – Durg (C.G.), Through its President – Mahendra Kumar Sinha, S/o Thumuklal Sinha, aged about 41 years, R/o Village – Borai, Distt. – Durg (C.G.)

   A. Borai
   B. Damoda (Dependent Vil. – Khurshideeh) and in Gram Panchyat:- C. Arshi, add with

Gram Panchayat Chicha & Sukharikala

2. Maa Shakti Swayatt Sahakari Prathmik Upbhokta Bhandar Maryadit, Silli, Vikas Kand – Dhamdha, Distt. – Durg (C.G.), Through its President – Kanti Kumar Sahu, S/o Kheduram Sahu, aged about 30 years, R/o Village – Silli, Tah. – Dhamdha, Distt. – Durg (C.G.)

A. Silli
B. Pathariya

3. Maa Chandi Swayatt Sahakari Prathmik Upbhokta Bhandar Maryadit, Daniya, Block-Dhamdha, Distt. – Durg (C.G.), Through its President – Murariram Patel, S/o Dewaprasad Patel, aged about 45 years, R/o Village – Daniya, Vikas Khand-Dhamdha, Distt. – Durg (C.G.)
A. Daniya
B. Sumakala (Dep. Vil. – Bhadaghat, Ghsara)

4. Trimurti Mahamaya Swayatt Sahakari Prathmik Upbhokta Bhandar Maryadit, Birshapur, Block-Dhamdha, Distt. – Durg (C.G.), Through its President – Youvraj Gupta, S/o Basant Gupta, aged about 33 years, R/o Dhamdha, Distt. – Durg (C.G.)

A. Birshapur, B. Pendry (Dependent Village-Kutha) C. Nagar Panchayat Dhamdha, Wrd No. 9 to 15, D. Gram Panchaya Bhatakokdi (Ghoto) & Bhotwani, E. Navagaon (Salhe), F. Rondha G. Viroda H. Khajri

Versus

Respondents

1. State of Chhattisgarh, Through : The Secretary, Department of Food, Public Distribution & Consumer Protection, Mantralaya, D.K.S. Bhawan, Raipur

(C.G.)

2. Collector, Durg (C.G.)

3. Food Controller, Collectorate Durg (C.G.)

4. Sub Divisional Officer, (Revenue), District – Durg (C.G.)

5. Union of India, Through : The Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New - Delhi.

Writ Petition No. 5489 of 2005

Petitioner: : Chandraj Swayatt Sahakari Prathmik Upbhokta Bhandar Maryadit, Sandi Block & Tahsil Berla, District Durg (C.G.), through its President Nand Kishore Pandey, aged about 27 years, resident of Sandi Tahsil Berla, District Durg (C.G.). And running fair price shops at Gram Panchayat : Maniyari, Daganiya, Sandi & Saldha.

Versus

Respondents

1. State of Chhattisgarh, Through Secretary Department of Food, Public Distribution and Consumer Protection Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. Food Controller, Raipur District Raipur (C.G.)

3. Assistant Food Officer, Bemetara, District Durg (C.G.)

4. Sub Divisional Officer, Saja District Durg (C.G.)

Writ Petition No. 5979 of 2005

Petitioners: 1. Jan Manas Swayatta Sahakari

Prathmik Sahakari Upbhokta Bhandar Maryadit, Kodia (A cooperative registered under the provisions of Chhattisgarh Swayatta Sahkarita Adhiniyam 1999, President Khilawan Ram Sahu, Aged about 42 years, S/o Shri Bhuwan Lal Sahu, R/o Village Kodia Post Pauwara, Tahsil & District Durg (C.G.)

2. Shivaji Swayatta Sahakari Prathmik Upbhokta Bhandar Maryadit, Kuthrel (A cooperative registered under the provisions of Chhattisgarh Swayatta Sahkarita Adhiniyam 1999, President Bramhanand Chandrakar, Aged about 50 years, S/o Shri Chandulal Chandrakar, R/o Village Kuthrel Post Kuthrel, Tehsil & District Durg (C.G.)

3. Jai Shri Swayatta Sahakari Prathmik Upbhokta Bhandar Maryadit, Umarpoti (A cooperative registered under the provisions of Chhattisgarh Swayatta Sahkarita Adhiniyam 1999, President Kartik Ram Sahu, Aged about 52 years, S/o Shri Tirathram Sahu, R/o Village Umarpoti Tehsil & District Durg (C.G.)

Versus

Respondents

1. State of Chhattisgarh, Through the Principal Secretary, Department of Food, Public Distribution & Consumer Protection, Mantralaya, Dau Kalyan Singh, Bhawan, Raipur (Chhattisgarh)

2. Collector, Durg (Chhattisgarh)

3. Food Controller (Food Officer), Office of the Collectorate Durg (Chhattisgarh)

4. Sub Divisional Officer, Durg District Durg (C.G.)

5. Union of India, Through the

Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New - Delhi.

Writ Petition No. 5984 of 2005

Petitioners:

1. Kisan Swayatt Sahakarai Prathmik Upbhokta Bhandar Maryadit, Hirri, Vikas Khand – Dhamdha, Distt. – Durg (C.G.), Through its President – Ajay Sharma, S/o Late Prabhulal Sharma, aged about 42 years, R/o Gram Post – Hirri, Tah. Dhamdha, Distt. – Durg (C.G.)
   A. Hirri B. Madiyapar C. Potiya,

2. Maa chandike Swayatt Sahakarai Prathmik Upbhokta Bhandar Maryadit, Siloda, Block – Durg, Distt. – Durg (C.G.), Through its President – Kamlesh Kumar Pawar, S/o Anup Singh Pawar, aged about 35 years, R/o Village – Siloda, Block – Durg, Distt. – Durg (C.G.)
   A. Siloda (Khapri) B. Mahmara C. Rashmuda D. Ganiyari

3. Jai Hardevlal Swayatt Sahakarai Prathmik Upbhokta Bhandar Maryadit, Bhedsar, Vikas Khand – Durg, Distt. –Durg (C.G.), Through its President – Ramdas Desmukh, S/o Milan Singh Deshmukh, aged about 43 years, R/o Village – Bhedsar, Block-Durg, Distt.-Durg (C.G.)
   A. Bhedsar B. Anjora (Dhaba)

Versus

Respondents

1. State of Chhattisgarh, Through : The Secretary, Department of Food, Public Distribution & Consumer Protection, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. Collector, Durg (C.G.)

3. Food Controller, Collectorate Durg

(C.G.)

4. Sub Divisional Officer, (Revenue), District – Durg (C.G.)

5. Union of India, Through : The Secretary, Ministry of Consumer Affairs, Food & Public Distribution, New - Delhi.

Writ Petition No. 6069 of 2005

Petitioners:

1. Jai Durga Swayatt Sahakarai Prathmik Upbhokta Bhandar Maryadit, Khopli, Block – Durg, Distt. – Durg (C.G.), Through its President – Domanlal Bharti, S/o Bhaktu Ram Bharti, aged about 40 years, R/o Village Khopli Block & Dist : Durg

   a. Khopli
   b. Ghughusidih (Depend on Khopli)

2. Rahul Swayatt Sahakarai Prathmik Upbhokta Bhandar Maryadit, Aanda, Block – Durg, , Distt. – Durg (C.G.), Through its President Virendra Kumar Chandrakar, S/o Lakhan Lal Chandrakar, aged about 37 years, R/o Village Anda, Dist : Durg – (C.G.)

   A. Ando
   B. Katro
   C. Chingri

Versus

Respondents

1. State of Chhattisgarh, Through : The Secretary Department of Food Public Distribution & Consumer Protection, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. The Collector, Durg, Dist : Durg - (C.G.)

3. Food Controller, Collectorate Durg - (C.G.)

4. Sub Divisional Officer, (Revenue),

District – Durg (C.G.)

5. Union of India, Through : The Secretary, Ministry of Consumer Affairs, Food and Public Distribution, New Delhi.

Writ Petition No. 6076 of 2005

Petitioner : Sharda Swayatt Sahakarai Prathmik Upbhokta Bhandar Maryadit, Janjgiri, Block – Durg, Distt. – Durg (C.G.), Through its President Jagdish Singh Thakur S/o Poshan Singh Thakur, aged about 43 years, R/o Village Janjgiri, P.O. Kutharel, Block – Durg, Dist : Durg – (C.G.)

A. Village – Machandur
B. Chirpoti
C. Janjgiri

Versus

Respondents

1. State of Chhattisgarh, Through -The Secretary Department of Food Public Distribution & Consumer Protection, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector, Durg, Dist : Durg - (C.G.)
3. Food Controller, Collectorate Durg - (C.G.)
4. Sub Divisional Officer, (Revenue), Dist : Durg (C.G.)
5. Union of India, Through : The Secretary, Ministry of Consumer Affairs, Food and Public Distribution, New Delhi.

Writ Petition No. 6563 of 2005

Petitioners:

1. Ma. Bharti Prathmik Sahakari Upbhokta Bhandar Maryadit, Ahiwara, Distt. – Durg (C.G.), Through its President – Brijesh

Sharma, S/o Omprakash Sharma, aged about 42 years, R/o New Market, Distt. - Durg – (C.G.)
A. Bagdumar,

2. Mini mata Prathmik Sahakari Upbhokta Bhandar Maryadit, Bhilai, Distt. – Durg (C.G.), Through its President – R.K. Yadaw, S/o Jaddu Yadav, aged about 58 years, R/o Subhash Market, Bhilai, Distt. - Durg – (C.G.)
A. Ahiwara Ward no. 14-15.

3. Mitan Swayatt Sahakari Prathmik Upbhokta Bhandar Maryadit, Murmunda, Vikas Khand – Damda, Distt. – Durg (C.G.), Through its President – Alakh Ram Kasyap, S/o Abhay Ram, aged about 38 years, R/o Village-Murmunda, Tahsil – Dhamda, Distt. - Durg – (C.G.)
A. Lahanga B. Ahiwara ward 7-8 C. Otiband D. Dumar E. Marmunda F. Dhour G. Daba H. Manpuri I. Gohari

4. Samta Prathmik Sahakari Upbhokta Bhandar Maryadit, New Khurshipar, Bhilai, Distt. – Durg (C.G.), Through its President – Smt. Sandhya devi, w/o Omprakash, aged about 45 years, R/o Village – New Khurshipar, Bhilai, Distt. - Durg – (C.G.)
A. Ahiwara ward 1-3 B. Ahiwara ward 14-15

Versus

Respondents

1. State of Chhattisgarh,
Through :The Secretary Department of Food Public Distribution & Consumer Protection, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. Collector, Durg (C.G.)

3. Food Controller, Collectorate Durg - (C.G.)

4. Sub Divisional Officer, (Revenue),

Distt. - Durg (C.G.)

5. Union of India, Through : The Secretary, Ministry of Consumer affairs, Food and Public Distribution, New - Delhi.

Present : Shri Kanak Tiwari, learned Sr. Advocate with Shri Prateek Sharma, Shri Kashif Shakeel, Shri A.S. Rajput, Shri Ajay Dwivedi and Shri Sanjay Agrawal, learned Advocates for the petitioners.
Shri Prashant Mishra, learned Addl. Advocate General with Shri Utkarsh Verma, learned Dy. Govt. Advocate for the State/respondents.
Shri. S.K. Beriwal, learned Standing Counsel for Union of India.

ORDER
(Passed on 20th July, 2006)

The following order of the Court was passed by

S.R. Nayak, CJ.

In this writ petition, the validity of Clause 9 (2) of the Chhattisgarh Public Distribution System (Control) Order, 2004 (for short 'the Control Order, 2004') is called in question. In addition, the Circular issued by the Principal Secretary, Food, Civil Supplies and Consumer Protection Department dated 23.03.2005 and certain other orders and communications issued by the subordinate authorities of the Department of Food, Civil Supplies and Consumer Protection are also assailed. At the threshold, it needs to be noticed that the Circular issued by the Principal Secretary and the orders and communications issued by the subordinate authorities of the Department of Food, Civil Supplies and Consumer Protection are all under the Control Order, 2004.

(2) On an earlier occasion, a batch of writ petitions (W.P. NO.445/2005 and batch) were preferred questioning certain provisions of the Control Order, 2004. This Court by its order dated 06.09.2005

disposed of those writ petitions with certain declarations and directions. The operative portion of the order reads as follows:

"(44) In the result, we hold that :-

(i) the provisions in Clause 9(1) of the Order 2004 that fair price shops run by private persons shall not be continued and within six months from the commencement of the Order, fair price shops run by private persons shall be cancelled are not discriminatory and are not violative of Article 14 of the Constitution.

(ii) the contract between the petitioners who are private persons and the State Government in so far as it provides for running fair price shops by the petitioners who are private persons have become unlawful after the expiry of six months' period from the date of enforcement of the Order 2004 and have to be cancelled.

(iii) The provisions of Sub-clauses (4) (c) and (5) of Clause 9 of the Order 2004 in so far as they provide that Consumer Co-operatives which are not registered under the Chhattisgarh Co-operative Societies Act, 1960 or which are registered after 1st November 2000 will not be allotted fair price shops are ultra vires Article 14 of the Constitution.

(iv) The provision in Sub Clauses (3) and (4) of Clause 9 of the Order 2004 for allotment of fair price shops to

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primary Credit Co-operative Societies is ultra vires the Chhattisgarh Co-operative Societies Act, 1960 and only those out of "Other Co-operative Societies" can be allotted fair price shops under the Order 2004 which are permitted under the Chhattisgarh Co-operative Societies Act, 1960 or the Chhattisgarh Swayatya Sahkarita Adhiniyam, 1999 to run fair price shops.

(v) Co-operative Societies which have been running fair price shops prior to the Order 2004 will continue to run the fair price shops in terms of the agreement between the Co-operative Societies and the State Government for the full period for which the agreement has been made and allotment made in their favour can be cancelled only terms of the said agreement.

(vi) The provisions in Sub Clauses (3) and (4) of Clauses 9 of the Order 2004 for allotting fa9ir price shops to LAMPS, Gram Panchayats, Women's Self Help Groups and Forest Protection Committees are valid, but the provisions in the said Sub Clauses (3) and (4) of Clauses 9 of the Order 2004 providing for reservation and priority in favour of some of the specified agencies in the matter of allotment of fair price shops are ultra vires Article 14 of the Constitution.

(vii) The agencies specified in the Order 2004 are to be considered for allotment of fair price shops without any priority or reservation in favour of any category of specified agencies and the guideline to be followed for making the allotment of fair price shops as indicated in Section 3 of the Act and the Order 2004 is that fair price shop would be allotted to an agency specified in the Order 2004 which can best distribute essential commodities to the ration cardholders at fair prices in any particular area.

(viii) Sub clause (3)(c) of Clause 9 in so far as it provides for appointment of all sales persons in the fair price shops operating in ITDP areas from BPL families of local tribal communities is ultra vires Article 14 of the Constitution.

(ix) Sub clause (7) of Clause 9 of the Order 2004 in so far as it provides for appointment of sales persons in fair price shops in other areas only from among Scheduled Castes and Other Backward Castes I ultra vires Article 14 of the Constitution.

The writ petitions are disposed of with the aforesaid declarations and directions and the interim orders passed by the Court stand vacated. Considering the facts and circumstances of the case, however, the parties shall bear their own cost."

When the matter stood thus, these writ petitions were filed complaining mainly that despite the judgment of this Court in W.P. No.445 of 2005 and

the batch, "the respondents under obvious political pressure have issued the impugned order for taking back all the fair price shops from the petitioners except one each in their areas of operation and allotting taken back shops primarily to the Women Self Help Groups which agencies are motley composition of political workers and inexperienced women without any comparative competence to run such fair price shops which the petitioners possess". According to the petitioners, the Circulars and Orders issued by the respondents are contrary to the contents and the spirit of the judgment of this Court in W.P. NO.445/2005 and the batch as well as *ultra vires* of the Essential Commodities Act.

(3) In the premise of the above contentions, in W.P. No.5110/2005 the following relief(s) are sought :

"7. **RELIEFS SOUGHT**:

The petitioner craves the indulgence of the Hon'ble Court;

1. To kindly call for the records from the respondents.
2. To kindly issue a writ of certiorari for quashment of the impugned order dated 6/10/2005 (Annexure P/8), communication dated 7/10/2005 (Annexure P/9) and Clause 3 (iii) of the circular issued by the Principal Secretary, Food, Civil Supplies and Consumer Protection Department being violative of Articles 14 and 21 of the Constitution of India.
3. To kindly issue a writ of mandamus to the respondents to make objective parameters/guidelines for allotment of fair price shops before awarding any letter of appointment.

4. To kindly quash the circular issued by the Principal Secretary dated 23/3/2005.

5. To kindly quash the Clause 9(2) of the Order 2004 being ultra vires to the Constitution of India.

6. To kindly quash the order vide No./273/Khadya Lipik/BNo. Shi. Kra. 80/2005 dated 14.10.05 issued by the respondent no.6.

7. To kindly make any other orders or writs that may be deemed fit and just including awarding of the costs to the petitioners."

(4) Opposing the writ petitions, the respondents have filed their returns.

(5) On behalf of the petitioners, Shri Kanak Tiwari, learned Sr. Counsel made his submissions. Shri Kanak Tiwari referred to the pleadings and grounds taken in W.P. No.5110/2005 only and not to the pleadings, grounds or relief(s) claimed in any other writ petitions. Learned counsel appearing for the petitioners in various other writ petitions, after the conclusion of the submission of Shri Kanak Tiwari, only submitted that they would adopt the submissions of Shri Kanak Tiwari and they did not argue any point in support of the writ petitions in which they appeared.

(6) Although number of reliefs are sought in the writ petitions, for example, in W.P. No.5110/2005, Shri Kanak Tiwari would not press for all those reliefs, but, confine his submission to quashing of Clause 9 (2) of the Control Order, 2004, Annexures-P/8 and P/9 Order and Communication dated 06.10.2005 and 07.10.2005 respectively and order of the 6th

respondent dated 14.10.2005. Although the actual pleading part of W.P. No.5110 of 2005 runs to 21 typed pages (total pages 35), the main compalint of the petitioner which we could gather from the pleading as well as the submissions of Shri Kanak Tiwari is that notwithstanding the judgment of this Court in W.P. No.445/2005 and the batch and without there being any enabling provision under the Control Order, 2004 to restrict the number of shops, the respondents-State Authorities high-handedly and under political pressure sought to cancel number of shops allotted to the petitioners- societies except one each in their areas of operation. There is no need for us to decide whether in terms of the judgment of this Court in W.P. No.445/2005 and the batch, the respondents authorities could have restricted the shops only to one and whether the impugned orders passed by the authorities and officers of the Department of Food, Civil Supplies and Consumer Protection are justified or not. We say this, because, there has been a development after the disposal of Writ Petition No.445 of 2005 and the batch by this Court on 06/09/2005 and after these writ petitions were filed in this Court. In the return filed on behalf of the State of Chhattisgarh, it is stated that in order to comply with the declarations made and directions issued by this Court in W.P. No.445 of 2005 and the batch, the Government has amended the Control Order, 2004 by issuing a notification dated 21/03/2006 marked as Annexure-R/1. The amended sub-Clause (2) of Clause 9 of the Control Order, 2004 reads as follows:

> "(2) (a) In district headquarters Fair Price Shops shall be allotted by Food Controller/Food Officer on approval of Collector and in remaining places of District, by sub divisional officer of sub division on approval of Collector.

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(b) In areas where more than one primary credit co-operative societies exists, allocation shall be made on the recommendations of the Deputy Registrar/Assistant Registrar of district.

Recommendations shall be on the basis of economic status, ability to supply the foodgrain and other essential commodities to ration cardholders regularly, and such other relevant factors, which may be determined by the State Government from time to time.

(c) Fair price shop shall be allotted to only those Co-operative society which is constituted with the object of distributing or selling essential commodities to its member and to other people in the area.

Ordinarily one fair price shop shall be allotted to any agency for its area of operation but to ensure regular supplies of essential commodities to ration cardholders, authorized officer may allot more than one fair price shop to any agency by assigning specific reason, but in any case the number will not exceed three fair price shops.

(d) For allotment of Fair Price Shop an advertisement shall be published in local newspapers and information of it shall be given to concerned urban local bodies and Gram Panchayat compulsorily."

(7) In the course of hearing, we were told that even the validity of the amended provision of the Control Order, 2004 vide notification dated 21.03.2006 was assailed in a batch of writ petitions in this Court and they

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are pending. In view of this development, reviewing the validity of the un-amended sub-Clause (2) of Clause 9 of the Control Order,2004 impugned in this batch of writ petitions would not arise. When that was pointed out by us to Shri Kanak Tiwari, learned Sr. Counsel, he would submit that though that is the position, nevertheless, the Court should look into the validity of the un-amended sub-Clause (2) of Clause 9 of the Control Order,2004 and see the high-handed action and conduct of the State and the State Authorities and scant disrespect shown by them to the judgment of this Court dated 06.09.2005 made in W.P. No.445/2005 and the batch. We could not accede to the request of Shri Kanak Tiwari. It is well settled that the Court should undertake the constitutional validity of a legislation or validity of a delegated or subordinate legislation only if that is absolutely necessary in order to decide a lis brought before the Court and to grant relief to an aggrieved party. The un-amended provisions of sub-Clause (2) of Clause 9 of the Control Order, 2004 is no longer a part of the statute and it disappeared from the statute with w.e.f. 21.03.2006 when it was replaced by a new provision. Of course, it is the contention of Shri Kanak Tiwari that even the amended sub-Clause (2) of Clause 9 of the Control Order, 2004 vide notification dated 21.03.2006 is invalid being violative of the declarations and directions issued by this Court in W.P. No.445/2005 and batch in its judgment dated 06.09.2005. Whether it is so or not need not be gone into in this batch of writ petitions. Since the amended provision of sub-Clause (2) of Clause 9 of the Control Order, 2004 has been assailed in a batch of writ petitions, it is open for the petitioners to urge all permissible grounds to attack the validity of the same in those writ petitions. Nobody can take away that liberty of the petitioners. If the examination of the validity of un-amended provision of sub-Clause (2) of

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Clause 9 of Control Order, 2004 cannot be gone into in these writ petitions in view of the amendment of that provision w.e.f. 21.03.2006 for the reasons stated above, for the same reasons reviewing the validity of certain orders, circulars and communications issued under the un-amended provisions of the Control Order, 2004 impugned in this batch of writ petitions would also not arise.

(8) In the result, we dismiss these writ petitions as infructuous and unnecessary. In the facts and circumstances of the case, we direct that the parties shall bear their respective costs in all these writ petitions.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Sd/-
Chief Justice

Brajesh*